IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO. 5924 OF 2007

Tukaram Ramchandra Chavan & ors.... Petitioner

versus

Shankar Hari Chavan & anr..... Respondent.

Shri Amit Kapse for the petitioner.
Shri S.M.Railkar for respondents 1 and 2.

CORAM; A.P. DESHPANDE, J.
DATED; 16TH AUGUST, 2007

P.C.;

1. Additional Tahasildar, Land Tribunal passed an order under section 32-G of the Bombay Tenancy Act on 20-11-1969 and fixed the purchase price. The purchase price was fixed and paid by Ramchandra alone. The order passed in the year 1969 was belatedly challenged by filing a tenancy appeal in the year 2006 vide appeal No. 33/06. The SDO has allowed the appeal and aggreived thereby the present petitioner has filed a revision before MRT, which I am informed, is pending. The learned counsel for the petitioner has submitted that though an objection in regard to limitation was raised, so far as the maintainability of appeal before SDO is concerned, the said issue has not been addressed at all, and for no just and valid reason, the appeal is entertained and allowed. It is then

submitted that as MRT is not functioning and hence the petitioners are constrained to move this court for making a limited request to stay the order passed by SDO dated 28-3-2007.

2. The learned counsel for the respondent has pointed out that the ordeer has already been implemented and thus there remains nothing to be stayed. He submits that the names of the respondent are already entered in the revenue record as joint tenants along with the petitioners. In this view of the matter, the learned counsel for the petitioner makes a limited prayer that the entries in the revenue record effected pursuant to the order passed by SDO be made subject to the result of the revision pending on the file of MRT. The said limited relief can always be granted. It is thus declared that the entries carried out pursuant to the order passed by SDO dated 28-3-2007 shall be subject to the decision of MRT in revision. Thus the Writ Petition is disposed of.

3. It is made clear that this court has not expressed any opinion on the question raised and involved in the revision and the decision is to be reached by the revisional authority uninfluenced by this order.

...